

Applicant : Miller
 Patent No. : n/a
 Issued : n/a
 Serial No. : 09/629,262
 Filed : 7/31/2000
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Attorney's Docket No.: 10001634-1

19. (Amended) The apparatus of claim 11 wherein the ~~third-fifth~~ set of instructions further serves to generate a representation of a three-dimensional array.

20. (Amended) The apparatus of claim 11 including a ~~fourth-ninth~~ set of instructions to select a subgroup of customers based on a spatial region in which their corresponding symbols reside.

REMARKS

In the office action mailed February 26, 2003, the Examiner rejected Claims 1,2, 4-7, 9-12, 14-17,19, and 20 under 35 USC 101 as having no connection to the technological arts. In addition, the Examiner performed a new search and rejected Claims 1,2 4-7, 9-12, 14-17, 19 and 20 under 103(a) as unpatentable over Lazaraus et al (U.S. Pat. 6,430,539) in view of Applicant's disclosure and Official Notice.

Applicants appreciate the Examiner's review of the present application, and, in response, the cited references have been reviewed, and the rejections made to the claims by the Examiner have been considered. The claims presently on file in the above-identified application as amended herein are believed to be patentably distinguishable over the cited references, and therefore allowance of these claims is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Claims With Markings to Show Changes Made".

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

Claim Rejections

Applicants have amended Claim 1 and Claim 11 to better clarify aspects of the invention as filed. The Examiner's rejections have also been thoroughly reviewed and considered.

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Accordingly, no new matter has been added as a result of these amendments.

In the office action mailed February 26, 2003, the Examiner rejected Claims 1,2, 4-7, 9-12, 14-17,19, and 20 under 35 USC 101 as having no connection to the technological arts. Claim 1 now specifies that the displaying is performed "on a display device" to further clarify that implementations of the present invention are grounded in the technological arts. Similarly, Claim 11 also specifies that the instructions are directed to displaying "on a display device" thus ensuring aspects of the present invention are well within statutory subject matter requirements as dictated by both 35 USC 101 and well-established case law.

The Examiner also rejected Claims 1,2, 4-7, 9-12, 14-17,19, and 20 under 35 USC 103 in view of Lazarus, Applicant's disclosure and Official Notice. Applicant respectfully submits that Applicant's disclosure merely mentions the use of parameters by marketing personnel in an abstract manner and not in a tool or set of operations performed by a computing device as provided by implementations of the present invention. Specifically, the references cited do not teach or suggest alone or in combination processing of these parameters by "decaying the numeric value associated with the recency indicator over time according to an absence of activity by each customer" or "increasing the numeric value associated with the recency indicator over time according to recent activity by each customer" as recited in Claim 1 as amended herein. One benefit of performing these operations is to discern patterns for use in determining promotional incentives or identifying data sets to be analyzed further. Clearly, the mere existence of one or more static parameters used by marketing personnel as mentioned by the Applicant would not teach or suggest implementations of the present invention. Contrary to the Examiner's assertion, implementations of the present invention analyze and process these parameters in a manner distinguishable from the cited art.

Further these references cited also do not display symbols by "arranging the symbols spatially in a galaxy layout according to a polar coordinate system based on the numeric values; and displaying the galaxy layout on a display device to distinguish trends and patterns in customer behavior" as recited in Claim 1 as amended herein. This display method allows better visualization of customer information as the polar coordinate represents different groups more

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readily. For example, an analyst can see at the edge of the "galaxy" those websites providing a large number of referrals while spiraling into the center of the "galaxy" are groups of highly valued customers that best fit the specified parameters. Similarly, customers that remain inactive may spiral outwards back towards the perimeter areas in accordance with the decaying aspect of the present invention.

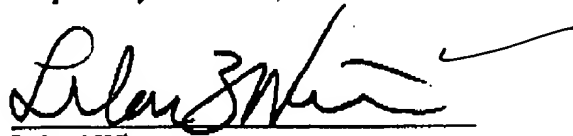
Claim 11 provides a different embodiment or aspect of the present invention, and as amended, is also distinguishable over the cited references for at least the reasons provided above, and is therefore also in condition for immediate allowance. With respect to dependent Claims 2, 4-7, 9-10, 12, 14-17, 19, and 20 the cited references also fail to describe each and every element of these claims for at least the same reasons as described above in Claim 1 or Claim 11.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Leland Wiesner, Applicants' Attorney at (650) 853-1113 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

6/6/2003
 Date


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